

Armstrong, Kathy

Subject: DeKalb County - 2018 Stipulated Penalties
Location: Conference Phone number: 202-991-0477; Conference ID: (b)(6) Personal Privacy
Start: Wed 3/13/2019 10:00 AM
End: Wed 3/13/2019 10:30 AM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: Stopper, Nathan
Required Attendees: Welch, Matthew C.; Veira, E. Fitzgerald; Priest-Goodsett, Noah W.; Suzanne Success Osborne; Williams, Laura; Mann, Valerie (ENRD); Rubini, Suzanne

Armstrong, Kathy

Subject: DeKalb County Stipulated Penalties
Location: Dial-in: 404-562-9858; Pin: (b)(6) Personal
Start: Thu 8/23/2018 1:00 PM
End: Thu 8/23/2018 1:30 PM
Recurrence: (none)
Meeting Status: Meeting organizer
Organizer: Stopper, Nathan
Required Attendees: Veira, E. Fitzgerald (Troutman Sanders); maria.houser@troutmansanders.com; Welch, Matthew C.; Rubini, Suzanne; sosborne@law.ga.gov; laura.williams@dnr.ga.gov

Armstrong, Kathy

From: Stopper, Nathan
Sent: Tuesday, July 31, 2018 10:53 AM
To: 'Welch, Matthew C.'; 'Suzanne Success Osborne'
Cc: 'Williams, Laura'; 'Veira, E. Fitzgerald (Troutman Sanders)';
'maria.houser@troutmansanders.com'
Subject: RE: DeKalb Meeting on 7/23

The dial-in number is 404-562-9858, not 9859.

From: Stopper, Nathan
Sent: Tuesday, July 31, 2018 10:50 AM
To: 'Welch, Matthew C.' <macwelch@dekalbcountyga.gov>; Suzanne Success Osborne <sosborne@law.ga.gov>
Cc: Williams, Laura <laura.williams@dnr.ga.gov>; Veira, E. Fitzgerald (Troutman Sanders)
<fitzgerald.veira@troutmansanders.com>; maria.houser@troutmansanders.com
Subject: RE: DeKalb Meeting on 7/23

Let's plan on Monday, August 6 at 10:30. I'll send out an invite for an hourlong call, but I can't imagine it will take anywhere near that long. We can use this conference line:

Dial-in: 404-562-9859; Pin (b)(6) Personal Privacy

From: Welch, Matthew C. [mailto:macwelch@dekalbcountyga.gov]
Sent: Thursday, July 26, 2018 1:57 PM
To: Suzanne Success Osborne <sosborne@law.ga.gov>
Cc: Stopper, Nathan <stopper.nathan@epa.gov>; Williams, Laura <laura.williams@dnr.ga.gov>; Veira, E. Fitzgerald (Troutman Sanders) <fitzgerald.veira@troutmansanders.com>; maria.houser@troutmansanders.com
Subject: RE: DeKalb Meeting on 7/23

I am free anytime between 930-130 on Monday August 6.

Matthew C. Welch
Supervising County Attorney
DeKalb County Law Department
1300 Commerce Drive, 5th Floor
Decatur, GA 30030
404-371-2297 Office
404-859-1129 Cell
macwelch@dekalbcountyga.gov

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From: Suzanne Success Osborne [mailto:sosborne@law.ga.gov]

Sent: Thursday, July 26, 2018 11:52 AM

To: Welch, Matthew C.

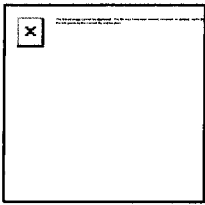
Cc: Stopper, Nathan; Williams, Laura; Veira, E. Fitzgerald (Troutman Sanders); maria.houser@troutmansanders.com

Subject: RE: DeKalb Meeting on 7/23

Matt,

With regard to the call to discuss stipulated penalties, I am scheduled for leave on Friday Aug. 3rd and will not be available. However, Nate, Laura and I all have availability all day Monday Aug. 6th. Please let us know if that works on your end and what time.

Suzanne



Suzanne Success Osborne
Senior Assistant Attorney General
Office of Attorney General Chris Carr
Regulated Industries & Professions

Tel: 404-656-7618
sosborne@law.ga.gov

Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Welch, Matthew C. [mailto:macwelch@dekalbcountyga.gov]

Sent: Tuesday, July 24, 2018 4:44 PM

To: Stopper, Nathan; Suzanne Success Osborne; Williams, Laura; Veira, E. Fitzgerald (Troutman Sanders); maria.houser@troutmansanders.com

Cc: Janovitz, Sara; Elliott, Richard; Zapata, Cesar; Ernstes, Viviane

Subject: RE: DeKalb Meeting on 7/23

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Nate,

Attached to this correspondence you will find copies of the following documents:

1. Draft proposed amendment to the existing FOG ordinance to allow increased regulation of certain existing multi-family residential complexes;
2. Interim Sanitary Sewer Capacity Evaluation Program as implemented on July 13, 2018; and
3. Interim Sanitary Sewer Capacity Evaluation Standard Operation Procedures implemented on July 13, 2018.

Please note that the proposed FOG ordinance revisions are currently under consideration by our Board of Commissioners. Attached is the latest draft.

Additionally, the County was asked to provide a date by which we would expect to formally submit a proposed Capacity Assurance Program document and accompanying letter of justification. Our CEO has indicated that submittal should be expected from the County the week of August 20, 2018.

As to the other deadlines indicated below, you have accurately reported the dates we discussed yesterday. However, in light of some of the comments regarding the CERP we heard yesterday, we would like an opportunity to perform one last review for clarity and to provide that document on July 31, 2018 rather than July 30. Similarly, we understand from CH that the summary listed at item 5 below may not be available until Tuesday August 6, 2018 rather than August 3. Should either of these deliverables be available sooner, we will send them along immediately.

As to a call to discuss stipulated penalties for 2017, we are available from 9 am-1 pm on Friday, August 3. Please confirm your preferred time.

Matthew C. Welch
Supervising County Attorney
DeKalb County Law Department
1300 Commerce Drive, 5th Floor
Decatur, GA 30030
404-371-2297 Office
404-859-1129 Cell
macwelch@dekalbcountyga.gov

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From: Stopper, Nathan [<mailto:stopper.nathan@epa.gov>]

Sent: Tuesday, July 24, 2018 11:59 AM

To: sosborne@law.ga.gov; Williams, Laura; Welch, Matthew C.; Veira, E. Fitzgerald (Troutman Sanders); maria.houser@troutmansanders.com

Cc: Janovitz, Sara; Elliott, Richard; Zapata, Cesar

Subject: RE: DeKalb Meeting on 7/23

All,

Thanks very much for the productive meeting yesterday. I wanted to provide everyone with a list of the deliverables we agreed upon and the dates for their submission. Please let me know if I have missed anything.

DeKalb to Provide to EPA and EPD:

1. Date for formal submission of CAP and justification letter (Today)
2. Infrastructure acquisitions "Interim Protocol" (Today)
3. FOG draft ordinance (Today, but end of this week is fine)
4. Semi-annual report and revised CERP (July 30) – including information regarding pipe cleaning, creek crossings and inspections, and FOG citations and compliance.
5. Summary of flow meters and fully dynamic wet weather hydraulic model progress (August 3) – include status of all 3 sewer basins, 7 hydraulically separate areas, and 32 sewersheds.

6. Overlaid map(s) (August 3) – overlay new connections/increased flow onto map(s) showing capacity limitations. Please also include a list of the increased additions/volumes from each new connection.
7. Response to report from March 6, 2018 inspection (August 10)
8. List of new/increased connections from 12/20/2011 – 12/31/2015 (August 10)
9. Next quarterly report (October 30)
10. Ability to comply with PASARP deadline (Next quarterly meeting – November 8) – DeKalb will confirm at the next quarterly meeting whether it will be able to meet the PASARP deadline. However, if DeKalb determines that it is unable to do so, it will update EPA and EPD as soon as that determination is made.

Additional Dates

1. Next quarterly meeting – scheduled for Thursday, November 8, although we didn't set a time or location. I propose we meet at the same time and same place, so 1:30-4:30pm at EPD. Please confirm whether this works for everyone.
2. 2017 stipulated penalties – I am free all day next Tuesday or next Friday. Please let me know if you have any availability for a short call on either of those days.

Finally, attached please find EPA's model CAP language. This language may differ slightly from the CAP language that was part of the original consent decree negotiations, but it is our most recent model language.

Best,
Nate

From: Stopper, Nathan
Sent: Tuesday, July 17, 2018 3:34 PM
To: Welch, Matthew C. <macwelch@dekalbcountyga.gov>; Veira, E. Fitzgerald (Troutman Sanders) <fitzgerald.veira@troutmansanders.com>; maria.houser@troutmansanders.com; Williams, Laura <laura.williams@dnr.ga.gov>
Cc: Janovitz, Sara <Janovitz.Sara@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>
Subject: DeKalb Meeting on 7/23

All,

EPA and EPD would like to begin the meeting next Monday with a discussion of the below issues. We would appreciate it if DeKalb could provide the map discussed in 4a beforehand or at the meeting, although we recognize it's short notice.

1. Status of flow monitoring and update on timeframe for completion and adoption of fully dynamic hydraulic wet weather model.
2. Status of all CMOM programs, including necessary work in PASARP areas.
3. Status of the revised CERP and training program documents.
4. Number of new connections/additional flow requests submitted since May 2018 (including current status).
 - a. EPA and EPD would like the County to provide a map of all new connections/additional flow approvals since 12/20/2017.
5. SSO Remediation:
 - a. Recurring SSO locations from Q1CY18:
 - i. 1615 Melanie Court, Decatur

- ii. 4124 Flakes Mill Road, Ellenwood (5 SSOs; over 360,000 gallons total; 4 of 5 caused by storm)
- iii. 4776 Snapfinger Woods Drive, Decatur (2 SSOs; over 740,000 gallons total)
- iv. 6701 Peachtree Industrial Boulevard, Doraville

b. SSOs that have taken multiple days to address since 1/1/2017:

- i. 7/13/2017: 3724 Eagles Beek Circle, Lithonia – 44 days
- ii. 7/23/2017: 5083 Biffle Road, Stone Mountain – 5 days
- iii. 8/8/2017: 3480 Mill Creek Road, Atlanta – 9 days
- iv. 8/21/2017: 4637 Big Valley Road, Stone Mountain – 14 days
- v. 1/3/2018: 6750 Peachtree Industrial Boulevard, Doraville – 2 days
- vi. 1/4/2018: 3643 Glenwood Road, Decatur – 15 days
- vii. 2/27/2018: 4776 Snapfinger Woods Drive, Decatur – 8 days

6. 2017 stipulated penalties.

7. DeKalb's proposed CAP.

Please let us know ahead of time if there are any additional items DeKalb would like to discuss.

Thanks,
Nathan

Nathan H. Stopper
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
Office of Regional Counsel
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
Phone: (404) 562-9581
Fax: (404) 562-9487

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

22 2018

CERTIFIED MAIL 7017 1450 0000 7972 1612
RETURN RECEIPT REQUESTED

The Honorable Michael Thurmond
Chief Executive Officer
DeKalb County Government
1300 Commerce Drive, 6th Floor
Decatur, Georgia 30030

Re: U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Mr. Thurmond:

The U.S. Environmental Protection Agency Region 4 and the Georgia Environmental Protection Division (GAEPD) have reviewed DeKalb County's (the County) Quarterly Sanitary Sewer Overflow Reports that were submitted from the First Quarter of 2017 (dated May 1, 2017) to the Fourth Quarter of 2017 (dated January 30, 2018) under Section IX (Reporting Requirements) of the above-referenced Consent Decree.

Pursuant to Paragraph 65(c) and (d) of the Consent Decree, the United States and the State of Georgia may assess a stipulated penalty for each Spill (a discharge of wastewater from the wastewater collection and transmission system which reaches waters of the United States or the State) in a dollar amount that is dependent on the size and date of the Spill. The County reported 186 Spills that occurred between January 1, 2017 and December 31, 2017. These included 144 Spills less than 10,000 gallons, which are each subject to a stipulated penalty of \$500, for a total stipulated penalty of \$72,000 (144 x \$500). The County also reported 42 Spills greater than 10,000 gallons. Because these Spills occurred more than 5 years after the Consent Decree's Date of Entry, they are each subject to a stipulated penalty of \$2,000, for a total stipulated penalty of \$84,000 (42 x \$2,000).

Upon review of the submitted documentation and the circumstances of the Spills, and in light of the County's compliance history, the EPA and EPD hereby assess and demand stipulated penalties in the amount of \$156,000 (\$72,000 + \$84,000) for all 186 Spills that occurred in 2017.

In accordance with Paragraph 67 of the Consent Decree, DeKalb County shall pay within 30 days of receipt of this letter \$78,000 (50%) of the stipulated penalties to the United States and \$78,000 (50%) of the stipulated penalties to the State of Georgia. The County shall pay the stipulated penalties to the United States in the manner set forth in Paragraph 9 of the Consent Decree, except that the transmittal letter shall state that the payment is for stipulated penalties and shall state for which violations the penalties are being paid. The Financial Litigation Unit of the U.S. Attorney's Office will provide the County with confirmation of the electronic funds transfer wiring instructions for the payment to the United States, which are the same as the instructions previously provided to the County for the payment

of prior stipulated penalties. The County shall pay the stipulated penalties to the State of Georgia by submitting a check payable to the State of Georgia, Georgia Department of Natural Resources and tendered to the Georgia Environmental Protection Division; ATTN: Mr. Lewis Hays; Watershed Compliance Program; 2 Martin Luther King Jr. Drive; East Tower Floyd Building, Suite 1152; Atlanta, Georgia 30334. Note that these payment instructions to the State are different from the instructions set forth in Paragraphs 69 and 10 of the Consent Decree.

If you have any questions, please have your attorneys contact Mr. Nathan Stopper, EPA Associate Regional Counsel, at (404) 562-9581, or Ms. Suzanne Osborne, Senior Assistant Attorney General, at (404) 656-7618.

Sincerely,

Gracy R. Danois

Gracy Danois, Acting Chief
NPDES Permitting and Enforcement Branch
Water Protection Division

Richard E. Dunn

Richard E. Dunn, Director
Georgia Environmental Protection Division

cc: See Attached Mailing List

Mailing List:

Mr. Thomas Mariani, Jr.
United States Department of Justice

Ms. Valerie K. Mann
United States Department of Justice

Ms. Suzanne Osborne
Georgia Department of Law

Mr. James Capp
Georgia Environmental Protection Division

Mr. Lewis Hays
Georgia Environmental Protection Division

Ms. Laura Williams
Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz
Georgia Environmental Protection Division

Mr. Dillon Rodenbaugh
Georgia Environmental Protection Division

Ms. Viviane Ernstes
DeKalb County Law Department

Mr. E. Fitzgerald Veira
Troutman Sanders LLP

Mr. Reginald Wells
DeKalb County Department of Watershed Management

Bush, William

From: Stopper, Nathan
Sent: Monday, August 13, 2018 3:18 PM
To: Welch, Matthew C.
Cc: Bush, William; laura.williams@dnr.ga.gov; sosborne@law.ga.gov; Ernstes, Viviane; Veira, E. Fitzgerald (Troutman Sanders); maria.houser@troutmansanders.com; Priest-Goodsett, Noah W.; Janovitz, Sara; Marzieh.Shahbazaz@dnr.ga.gov
Subject: RE: DeKalb County 2018 CEI Report Response.pdf

Thanks, Matt. I received the email with the appendices today and was able to access them. We'll let you know if we have any questions or concerns.

In the meantime, we expect to receive by Friday the information regarding the connections from the beginning of the CD through 2015, as well as the supplemental information regarding the overlaid maps.

We'd also like to set up another call to discuss stipulated penalties. Would next Thursday afternoon, August 23, work for you all?

From: Welch, Matthew C. [mailto:macwelch@dekalbcountyga.gov]
Sent: Friday, August 10, 2018 7:16 PM
To: Stopper, Nathan <stopper.nathan@epa.gov>; Janovitz, Sara <Janovitz.Sara@epa.gov>; Marzieh.Shahbazaz@dnr.ga.gov
Cc: Bush, William <Bush.William@epa.gov>; laura.williams@dnr.ga.gov; sosborne@law.ga.gov; Ernstes, Viviane <vernstes@dekalbcountyga.gov>; Veira, E. Fitzgerald (Troutman Sanders) <fitzgerald.veira@troutmansanders.com>; maria.houser@troutmansanders.com; Priest-Goodsett, Noah W. <nwgoodsett@dekalbcountyga.gov>
Subject: DeKalb County 2018 CEI Report Response.pdf

Sara, Nate and Marzieh,

On behalf of DeKalb County, please find attached our response to the 2018 Compliance Evaluation Inspection Report. You will note several references to appendices and other documents in the attached. We are loading those documents to a work-share site as they proved too large to transmit via email. Separate instructions for accessing that site will follow. We will provide hard copies of the attached with all appendices and the recently submitted Semi-Annual and 2nd Quarter Reports next week.

The County is still finalizing the document regarding connections made from the beginning of the Consent Decree period through December 31, 2015. We will provide that information next week as well.

Armstrong, Kathy

From: Stopper, Nathan
Sent: Tuesday, July 17, 2018 3:34 PM
To: Welch, Matthew C.; Veira, E. Fitzgerald (Troutman Sanders);
maria.houser@troutmansanders.com; Williams, Laura
Cc: Janovitz, Sara; Elliott, Richard
Subject: DeKalb Meeting on 7/23

All,

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 - iii. 4776 Snapfinger Woods Drive, Decatur (2 SSOs; over 740,000 gallons total)
 - iv. 6701 Peachtree Industrial Boulevard, Doraville
 - b. SSOs that have taken multiple days to address since 1/1/2017:
 - i. 7/13/2017: 3724 Eagles Beek Circle, Lithonia – 44 days
 - ii. 7/23/2017: 5083 Biffle Road, Stone Mountain – 5 days
 - iii. 8/8/2017: 3480 Mill Creek Road, Atlanta – 9 days
 - iv. 8/21/2017: 4637 Big Valley Road, Stone Mountain – 14 days
 - v. 1/3/2018: 6750 Peachtree Industrial Boulevard, Doraville – 2 days
 - vi. 1/4/2018: 3643 Glenwood Road, Decatur – 15 days
 - vii. 2/27/2018: 4776 Snapfinger Woods Drive, Decatur – 8 days
6. 2017 stipulated penalties.
7. DeKalb's proposed CAP.

Please let us know ahead of time if there are any additional items DeKalb would like to discuss.

Thanks,
Nathan

Nathan H. Stopper
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
Office of Regional Counsel
Atlanta Federal Center
61 Forsyth Street, S.W.

Atlanta, Georgia 30303-8960

Phone: (404) 562-9581

Fax: (404) 562-9487

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Armstrong, Kathy

From: Stopper, Nathan
Sent: Monday, March 18, 2019 11:48 AM
To: Welch, Matthew C.
Cc: Veira, E. Fitzgerald; Mann, Valerie (ENRD); Suzanne Success Osborne; Williams, Laura; Rubini, Suzanne; Houser, Maria V.
Subject: RE: DeKalb - Quarterly Meeting and Stipulated Penalties

Matt,

Thanks for the message confirming that DeKalb will pay all stipulated penalties for 2018 Spills. We'll get the demand letter out shortly.

Still working on coordinating the meeting date. Should have a final time by tomorrow.

Nate

From: Stopper, Nathan
Sent: Wednesday, March 13, 2019 1:48 PM
To: Welch, Matthew C. <macwelch@dekalbcountyga.gov>
Cc: Veira, E. Fitzgerald <fitzgerald.veira@troutman.com>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Suzanne Success Osborne <sosborne@law.ga.gov>; Williams, Laura <laura.williams@dnr.ga.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Houser, Maria V. <MVHOUSER@dekalbcountyga.gov>
Subject: RE: DeKalb - Quarterly Meeting and Stipulated Penalties

Thanks, Matt. We'll get back in touch shortly. In the meantime, please hold all of these dates on your calendar.

From: Welch, Matthew C. <macwelch@dekalbcountyga.gov>
Sent: Wednesday, March 13, 2019 11:19 AM
To: Stopper, Nathan <stopper.nathan@epa.gov>
Cc: Veira, E. Fitzgerald <fitzgerald.veira@troutman.com>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Suzanne Success Osborne <sosborne@law.ga.gov>; Williams, Laura <laura.williams@dnr.ga.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Houser, Maria V. <MVHOUSER@dekalbcountyga.gov>
Subject: RE: DeKalb - Quarterly Meeting and Stipulated Penalties

Nate,

As we discussed this morning, the 24th worked for us, but the 17th won't work at this point. Based on what I know today, the County can be available Thursday the 25th (afternoon), Friday the 26th, Wednesday May 1st, Thursday May 2nd (afternoon), or Friday May 3rd. I might be able to shift things around to accommodate a meeting on Monday April 29th, as well.

Let me know if any of these dates will work for your teams.

thanks

Matthew C. Welch
 Deputy County Attorney
 DeKalb County Law Department

1300 Commerce Drive, 5th Floor
Decatur, GA 30030
404-371-2297 Office
404-859-1129 Cell
macwelch@dekalbcountyga.gov

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From: Stopper, Nathan [<mailto:stopper.nathan@epa.gov>]
Sent: Tuesday, March 12, 2019 10:50 AM
To: Welch, Matthew C.
Cc: Veira, E. Fitzgerald; Mann, Valerie (ENRD); Suzanne Success Osborne; Williams, Laura; Rubini, Suzanne; Houser, Maria V.
Subject: RE: DeKalb - Quarterly Meeting and Stipulated Penalties

Thanks. It looks like the 24th actually doesn't work for us and the 22nd is a state holiday. Sorry, scheduling with so many ever-changing calendars is a nightmare. Let's do the 17th if it works for you all.

From: Welch, Matthew C. <macwelch@dekalbcountyga.gov>
Sent: Tuesday, March 12, 2019 10:01 AM
To: Stopper, Nathan <stopper.nathan@epa.gov>
Cc: Veira, E. Fitzgerald <fitzgerald.veira@troutman.com>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Suzanne Success Osborne <sosborne@law.ga.gov>; Williams, Laura <laura.williams@dnr.ga.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Houser, Maria V. <MVHOUSER@dekalbcountyga.gov>
Subject: Re: DeKalb - Quarterly Meeting and Stipulated Penalties

I believe the 24th will work best for us, but I'll double check all 3 dates and let you know availability ASAP.

Matthew C. Welch
Deputy County Attorney
macwelch@dekalbcountyga.gov
404-371-2297 Office
404-859-1129 Cell

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

On Mar 12, 2019, at 9:47 AM, Stopper, Nathan <stopper.nathan@epa.gov> wrote:

Sorry for the confusion, but it now looks like April 17th also works for us. Let's go with that, if it's still good for you all.

From: Welch, Matthew C. <macwelch@dekalbcountyga.gov>
Sent: Tuesday, March 12, 2019 9:46 AM
To: Stopper, Nathan <stopper.nathan@epa.gov>
Cc: Veira, E. Fitzgerald <fitzgerald.veira@troutman.com>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Suzanne Success Osborne <sosborne@law.ga.gov>; Williams, Laura <laura.williams@dnr.ga.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Houser, Maria V. <MVHOUSER@dekalbcountyga.gov>
Subject: Re: DeKalb - Quarterly Meeting and Stipulated Penalties

Nate—

Working to confirm these dates. Please hold them for me—I should have an answer for you by tomorrow.

Thanks!

Matthew C. Welch
Deputy County Attorney
macwelch@dekalbcountyga.gov
404-371-2297 Office
404-859-1129 Cell

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

On Mar 12, 2019, at 8:23 AM, Stopper, Nathan <stopper.nathan@epa.gov> wrote:

How about April 22 or 24?

From: Welch, Matthew C. <macwelch@dekalbcountyga.gov>
Sent: Monday, March 04, 2019 1:48 PM
To: Stopper, Nathan <stopper.nathan@epa.gov>
Cc: Veira, E. Fitzgerald <fitzgerald.veira@troutman.com>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Suzanne Success Osborne <sosborne@law.ga.gov>; Williams, Laura <laura.williams@dnr.ga.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Houser, Maria V. <MVHOUSER@dekalbcountyga.gov>
Subject: Re: DeKalb - Quarterly Meeting and Stipulated Penalties

Nate,

Our Board of Commissioners meets on Tuesday's and the County Attorney will be unavailable that date. We can be available the afternoon of the 11th or anytime on the 12th. We also have availability on Wednesday the 17th and the afternoon of Thursday the 18th if any of those can work for the agencies.

Matthew C. Welch
Deputy County Attorney
macwelch@dekalbcountyga.gov
404-371-2297 Office
404-859-1129 Cell

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

On Mar 4, 2019, at 7:00 AM, Stopper, Nathan <stopper.nathan@epa.gov> wrote:

All,

Does April 9 from 1-4 work for you all for the quarterly meeting? Additionally, I'd like to set up a call next week to discuss the assessment of stipulated penalties for 2018. How does Wednesday or Thursday at 10:00 work for everyone?

Thanks,
Nate

Nathan H. Stopper
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
Office of Regional Counsel
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
Phone: (404) 562-9581
Fax: (404) 562-9487

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Armstrong, Kathy

From: Stopper, Nathan
Sent: Monday, March 04, 2019 4:54 PM
To: Welch, Matthew C.
Cc: Veira, E. Fitzgerald; Mann, Valerie (ENRD); Suzanne Success Osborne; Williams, Laura; Rubini, Suzanne
Subject: RE: DeKalb - Quarterly Meeting and Stipulated Penalties

Great, let's plan on that. Can someone send out a calendar invite with a call-in number? Our line is busy that time.

From: Welch, Matthew C. <macwelch@dekalbcountyga.gov>
Sent: Monday, March 04, 2019 4:39 PM
To: Stopper, Nathan <stopper.nathan@epa.gov>
Cc: Veira, E. Fitzgerald <fitzgerald.veira@troutman.com>; Mann, Valerie (ENRD) <Valerie.Mann@usdoj.gov>; Suzanne Success Osborne <sosborne@law.ga.gov>; Williams, Laura <laura.williams@dnr.ga.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>
Subject: Re: DeKalb - Quarterly Meeting and Stipulated Penalties

Nate,

As to the second request, we can be available at 10 am on Wednesday March 13 for the stipulated penalties call.

Thanks

Matthew C. Welch
Deputy County Attorney
macwelch@dekalbcountyga.gov
404-371-2297 Office
404-859-1129 Cell

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

On Mar 4, 2019, at 7:00 AM, Stopper, Nathan <stopper.nathan@epa.gov> wrote:

All,

Does April 9 from 1-4 work for you all for the quarterly meeting? Additionally, I'd like to set up a call next week to discuss the assessment of stipulated penalties for 2018. How does Wednesday or Thursday at 10:00 work for everyone?

Thanks,
Nate

Nathan H. Stopper
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
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Armstrong, Kathy

From: Stopper, Nathan
Sent: Monday, March 04, 2019 8:01 AM
To: Welch, Matthew C.; Veira, E. Fitzgerald; Mann, Valerie (ENRD); Suzanne Success Osborne; Williams, Laura
Cc: Rubini, Suzanne
Subject: DeKalb - Quarterly Meeting and Stipulated Penalties

All,

Does April 9 from 1-4 work for you all for the quarterly meeting? Additionally, I'd like to set up a call next week to discuss the assessment of stipulated penalties for 2018. How does Wednesday or Thursday at 10:00 work for everyone?

Thanks,
Nate

Nathan H. Stopper
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
Office of Regional Counsel
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Armstrong, Kathy

From: Stopper, Nathan
Sent: Wednesday, July 25, 2018 5:36 PM
To: Welch, Matthew C.; sosborne@law.ga.gov; Williams, Laura; Veira, E. Fitzgerald (Troutman Sanders); maria.houser@troutmansanders.com
Cc: Janovitz, Sara; Elliott, Richard; Zapata, Cesar; Ernstes, Viviane
Subject: RE: DeKalb Meeting on 7/23

Matt,

Thanks for these materials and dates. We'll discuss internally and get back to you if we have any concerns.

Regarding the call next Friday, how about 11:00? Laura and Suzanne, does that work for you all?

Best,
 Nate

From: Welch, Matthew C. [mailto:macwelch@dekalbcountyga.gov]
Sent: Tuesday, July 24, 2018 4:44 PM
To: Stopper, Nathan <stopper.nathan@epa.gov>; sosborne@law.ga.gov; Williams, Laura <laura.williams@dnr.ga.gov>; Veira, E. Fitzgerald (Troutman Sanders) <fitzgerald.veira@troutmansanders.com>; maria.houser@troutmansanders.com
Cc: Janovitz, Sara <Janovitz.Sara@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>; Zapata, Cesar <Zapata.Cesar@epa.gov>; Ernstes, Viviane <vernstes@dekalbcountyga.gov>
Subject: RE: DeKalb Meeting on 7/23

Nate,

Attached to this correspondence you will find copies of the following documents:

1. Draft proposed amendment to the existing FOG ordinance to allow increased regulation of certain existing multi-family residential complexes;
2. Interim Sanitary Sewer Capacity Evaluation Program as implemented on July 13, 2018; and
3. Interim Sanitary Sewer Capacity Evaluation Standard Operation Procedures implemented on July 13, 2018.

Please note that the proposed FOG ordinance revisions are currently under consideration by our Board of Commissioners. Attached is the latest draft.

Additionally, the County was asked to provide a date by which we would expect to formally submit a proposed Capacity Assurance Program document and accompanying letter of justification. Our CEO has indicated that submittal should be expected from the County the week of August 20, 2018.

As to the other deadlines indicated below, you have accurately reported the dates we discussed yesterday. However, in light of some of the comments regarding the CERP we heard yesterday, we would like an opportunity to perform one last review for clarity and to provide that document on July 31, 2018 rather than July 30. Similarly, we understand from CH that the summary listed at item 5 below may not be available until Tuesday August 6, 2018 rather than August 3. Should either of these deliverables be available sooner, we will send them along immediately.

As to a call to discuss stipulated penalties for 2017, we are available from 9 am-1 pm on Friday, August 3. Please confirm your preferred time.

Matthew C. Welch
Supervising County Attorney
DeKalb County Law Department
1300 Commerce Drive, 5th Floor
Decatur, GA 30030
404-371-2297 Office
404-859-1129 Cell
macwelch@dekalbcountyga.gov

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From: Stopper, Nathan [<mailto:stopper.nathan@epa.gov>]

Sent: Tuesday, July 24, 2018 11:59 AM

To: sosborne@law.ga.gov; Williams, Laura; Welch, Matthew C.; Veira, E. Fitzgerald (Troutman Sanders); maria.houser@troutmansanders.com

Cc: Janovitz, Sara; Elliott, Richard; Zapata, Cesar

Subject: RE: DeKalb Meeting on 7/23

All,

Thanks very much for the productive meeting yesterday. I wanted to provide everyone with a list of the deliverables we agreed upon and the dates for their submission. Please let me know if I have missed anything.

DeKalb to Provide to EPA and EPD:

1. Date for formal submission of CAP and justification letter (Today)
2. Infrastructure acquisitions "Interim Protocol" (Today)
3. FOG draft ordinance (Today, but end of this week is fine)
4. Semi-annual report and revised CERP (July 30) – including information regarding pipe cleaning, creek crossings and inspections, and FOG citations and compliance.
5. Summary of flow meters and fully dynamic wet weather hydraulic model progress (August 3) – include status of all 3 sewer basins, 7 hydraulically separate areas, and 32 sewersheds.
6. Overlaid map(s) (August 3) – overlay new connections/increased flow onto map(s) showing capacity limitations. Please also include a list of the increased additions/volumes from each new connection.
7. Response to report from March 6, 2018 inspection (August 10)
8. List of new/increased connections from 12/20/2011 – 12/31/2015 (August 10)
9. Next quarterly report (October 30)

10. Ability to comply with PASARP deadline (Next quarterly meeting – November 8) – DeKalb will confirm at the next quarterly meeting whether it will be able to meet the PASARP deadline. However, if DeKalb determines that it is unable to do so, it will update EPA and EPD as soon as that determination is made.

Additional Dates

1. Next quarterly meeting – scheduled for Thursday, November 8, although we didn't set a time or location. I propose we meet at the same time and same place, so 1:30-4:30pm at EPD. Please confirm whether this works for everyone.
2. 2017 stipulated penalties – I am free all day next Tuesday or next Friday. Please let me know if you have any availability for a short call on either of those days.

Finally, attached please find EPA's model CAP language. This language may differ slightly from the CAP language that was part of the original consent decree negotiations, but it is our most recent model language.

Best,
Nate

From: Stopper, Nathan

Sent: Tuesday, July 17, 2018 3:34 PM

To: Welch, Matthew C. <macwelch@dekalbcountyga.gov>; Veira, E. Fitzgerald (Troutman Sanders) <fitzgerald.veira@troutmansanders.com>; maria.houser@troutmansanders.com; Williams, Laura <laura.williams@dnr.ga.gov>

Cc: Janovitz, Sara <Janovitz.Sara@epa.gov>; Elliott, Richard <Elliott.Richard@epa.gov>

Subject: DeKalb Meeting on 7/23

All,

EPA and EPD would like to begin the meeting next Monday with a discussion of the below issues. We would appreciate it if DeKalb could provide the map discussed in 4a beforehand or at the meeting, although we recognize it's short notice.

1. Status of flow monitoring and update on timeframe for completion and adoption of fully dynamic hydraulic wet weather model.
2. Status of all CMOM programs, including necessary work in PASARP areas.
3. Status of the revised CERP and training program documents.
4. Number of new connections/additional flow requests submitted since May 2018 (including current status).
 - a. EPA and EPD would like the County to provide a map of all new connections/additional flow approvals since 12/20/2017.
5. SSO Remediation:
 - a. Recurring SSO locations from Q1CY18:
 - i. 1615 Melanie Court, Decatur
 - ii. 4124 Flakes Mill Road, Ellenwood (5 SSOs; over 360,000 gallons total; 4 of 5 caused by storm)
 - iii. 4776 Snapfinger Woods Drive, Decatur (2 SSOs; over 740,000 gallons total)
 - iv. 6701 Peachtree Industrial Boulevard, Doraville
 - b. SSOs that have taken multiple days to address since 1/1/2017:
 - i. 7/13/2017: 3724 Eagles Beek Circle, Lithonia – 44 days
 - ii. 7/23/2017: 5083 Biffle Road, Stone Mountain – 5 days
 - iii. 8/8/2017: 3480 Mill Creek Road, Atlanta – 9 days
 - iv. 8/21/2017: 4637 Big Valley Road, Stone Mountain – 14 days
 - v. 1/3/2018: 6750 Peachtree Industrial Boulevard, Doraville – 2 days

- vi. 1/4/2018: 3643 Glenwood Road, Decatur – 15 days
- vii. 2/27/2018: 4776 Snapfinger Woods Drive, Decatur – 8 days
 - 6. 2017 stipulated penalties.
 - 7. DeKalb's proposed CAP.

Please let us know ahead of time if there are any additional items DeKalb would like to discuss.

Thanks,
Nathan

Nathan H. Stopper
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
Office of Regional Counsel
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
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Armstrong, Kathy

From: Stopper, Nathan
Sent: Wednesday, August 15, 2018 9:05 AM
To: Welch, Matthew C.
Cc: laura.williams@dnr.ga.gov; sosborne@law.ga.gov; Ernstes, Viviane; Veira, E. Fitzgerald (Troutman Sanders); maria.houser@troutmansanders.com; Priest-Goodsett, Noah W.; Janovitz, Sara; Marzieh.Shahbazaz@dnr.ga.gov
Subject: RE: DeKalb County 2018 CEI Report Response.pdf

I don't think that should be a problem. Let's do the call at 1:00 instead.

From: Welch, Matthew C. [mailto:macwelch@dekalbcountyga.gov]
Sent: Wednesday, August 15, 2018 8:38 AM
To: Stopper, Nathan <stopper.nathan@epa.gov>
Cc: laura.williams@dnr.ga.gov; sosborne@law.ga.gov; Ernstes, Viviane <vernstes@dekalbcountyga.gov>; Veira, E. Fitzgerald (Troutman Sanders) <fitzgerald.veira@troutmansanders.com>; maria.houser@troutmansanders.com; Priest-Goodsett, Noah W. <nwgoodsett@dekalbcountyga.gov>; Janovitz, Sara <Janovitz.Sara@epa.gov>; Marzieh.Shahbazaz@dnr.ga.gov
Subject: RE: DeKalb County 2018 CEI Report Response.pdf

Nate—

Since we originally emailed about this date and time, one of my commissioners has requested my presence at a meeting at 2 on the 23rd. Can we push this up to 1 or 1:30 that same date so that I can participate?

Matthew C. Welch
 Supervising County Attorney
 DeKalb County Law Department
 1300 Commerce Drive, 5th Floor
 Decatur, GA 30030
 404-371-2297 Office
 404-859-1129 Cell
macwelch@dekalbcountyga.gov

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From: Stopper, Nathan [mailto:stopper.nathan@epa.gov]
Sent: Tuesday, August 14, 2018 5:46 PM
To: Welch, Matthew C.
Cc: laura.williams@dnr.ga.gov; sosborne@law.ga.gov; Ernstes, Viviane; Veira, E. Fitzgerald (Troutman Sanders); maria.houser@troutmansanders.com; Priest-Goodsett, Noah W.; Janovitz, Sara; Marzieh.Shahbazaz@dnr.ga.gov
Subject: RE: DeKalb County 2018 CEI Report Response.pdf

I just sent an invite for next Thursday from 2-2:30. Veira and Maria, please let me know if that doesn't work for you all and we can find another time.

From: Stopper, Nathan

Sent: Tuesday, August 14, 2018 9:37 AM

To: 'Welch, Matthew C.' <macwelch@dekalbcountyga.gov>

Cc: laura.williams@dnr.ga.gov; sosborne@law.ga.gov; Ernstes, Viviane <vernstes@dekalbcountyga.gov>; Veira, E. Fitzgerald (Troutman Sanders) <fitzgerald.veira@troutmansanders.com>; maria.houser@troutmansanders.com; Priest-Goodsett, Noah W. <nwgoodsett@dekalbcountyga.gov>; Janovitz, Sara <Janovitz.Sara@epa.gov>; Marzieh.Shahbazaz@dnr.ga.gov

Subject: RE: DeKalb County 2018 CEI Report Response.pdf

Let's plan on Thursday at 2, unless that doesn't work for the Troutman folks (assuming they want to be on the call).

From: Welch, Matthew C. [<mailto:macwelch@dekalbcountyga.gov>]

Sent: Tuesday, August 14, 2018 9:33 AM

To: Stopper, Nathan <stopper.nathan@epa.gov>

Cc: Bush, William <Bush.William@epa.gov>; laura.williams@dnr.ga.gov; sosborne@law.ga.gov; Ernstes, Viviane <vernstes@dekalbcountyga.gov>; Veira, E. Fitzgerald (Troutman Sanders) <fitzgerald.veira@troutmansanders.com>; maria.houser@troutmansanders.com; Priest-Goodsett, Noah W. <nwgoodsett@dekalbcountyga.gov>; Janovitz, Sara <Janovitz.Sara@epa.gov>; Marzieh.Shahbazaz@dnr.ga.gov

Subject: Re: DeKalb County 2018 CEI Report Response.pdf

Nate,

Glad the access link worked properly. Maria or I can arrange access for any of your additional team members who might need such.

I am available in the early afternoon of Thursday August 23, with a hard stop at 3. Let me know if that can work.

Matthew C. Welch

Supervising County Attorney

macwelch@dekalbcountyga.gov

404-371-2297 Office

404-859-1129 Cell

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

On Aug 13, 2018, at 3:18 PM, Stopper, Nathan <stopper.nathan@epa.gov> wrote:

Thanks, Matt. I received the email with the appendices today and was able to access them. We'll let you know if we have any questions or concerns.

In the meantime, we expect to receive by Friday the information regarding the connections from the beginning of the CD through 2015, as well as the supplemental information regarding the overlaid maps.

We'd also like to set up another call to discuss stipulated penalties. Would next Thursday afternoon, August 23, work for you all?

From: Welch, Matthew C. [mailto:macwelch@dekalbcountyga.gov]
Sent: Friday, August 10, 2018 7:16 PM
To: Stopper, Nathan <stopper.nathan@epa.gov>; Janovitz, Sara <Janovitz.Sara@epa.gov>;
Marzieh.Shahbazaz@dnr.ga.gov
Cc: Bush, William <Bush.William@epa.gov>; laura.williams@dnr.ga.gov; sosborne@law.ga.gov; Ernstes, Viviane <vernstes@dekalbcountyga.gov>; Veira, E. Fitzgerald (Troutman Sanders) <fitzgerald.veira@troutmansanders.com>; maria.houser@troutmansanders.com; Priest-Goodsett, Noah W. <nwgoodsett@dekalbcountyga.gov>
Subject: DeKalb County 2018 CEI Report Response.pdf

Sara, Nate and Marzieh,

On behalf of DeKalb County, please find attached our response to the 2018 Compliance Evaluation Inspection Report. You will note several references to appendices and other documents in the attached. We are loading those documents to a work-share site as they proved too large to transmit via email. Separate instructions for accessing that site will follow. We will provide hard copies of the attached with all appendices and the recently submitted Semi-Annual and 2nd Quarter Reports next week.

The County is still finalizing the document regarding connections made from the beginning of the Consent Decree period through December 31, 2015. We will provide that information next week as well.

Armstrong, Kathy

From: Welch, Matthew C. <macwelch@dekalbcountyga.gov>
Sent: Wednesday, November 21, 2018 10:56 AM
To: Hays, Lewis
Cc: 'Marzieh.Shahbazaz@dnr.ga.gov'; Suzanne Success Osborne; 'Williams, Laura'; Stopper, Nathan; Janovitz, Sara
Subject: DeKalb--Stipulated penalties for 2017
Attachments: DeKalb letter to Lewis Hays re 2017 stipulated penalties 11.20.18.pdf

Mr. Hays-

Please see attached correspondence from County Attorney Viviane Ernstes. A copy of the attached was sent to your attention along with the County's requested payment to EPA/DNR in yesterday's mail. The requested EPA/DOJ payment was wired on Friday, November 16, 2018.

Matthew C. Welch
 Deputy County Attorney
 DeKalb County Law Department
 1300 Commerce Drive, 5th Floor
 Decatur, GA 30030
 404-371-2297 Office
 404-859-1129 Cell
macwelch@dekalbcountyga.gov

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DeKalb County Law Department

Viviane H. Ernstes
County Attorney

Chief Executive Officer

Michael L. Thurmond

Board of Commissioners

District 1
Nancy Jester

District 2
Jeff Rader

District 3
Larry Johnson

District 4
Steve Bradshaw

District 5
Merceda Davis Johnson

District 6
Kathie Gannon

District 7
Gregory Adams, Sr.

November 20, 2018

Mr. Lewis Hays
Georgia Environmental Protection Division
Watershed Compliance Program
2 Martin Luther King Jr. Drive
East Tower Floyd Building
Suite 1152
Atlanta, Georgia 30334

Re: U.S. District Court Civil Action 1:10cv 4039-WSD
DeKalb County Consent Decree
Demand for Stipulated Penalties

Dear Mr. Hays:

Please find enclosed a check in the amount of \$78,000 for stipulated penalties under the above-referenced Consent Decree for the Spills that occurred in 2017 as requested in the October 22, 2018 letter from the U.S. Environmental Protection Agency ("EPA") and the Georgia Environmental Protection Division ("EPD"). A separate payment was wired to the United States Department of Justice on Friday, November 16, 2018.

The County acknowledges the agencies' position in their demand for stipulated penalties for Spills in 2017 as allowed under the Consent Decree. However, we would encourage the agencies to take note of the considerable progress the County has made under the current County leadership/administration over the last 22 months in implementing the various capacity, management, operation and maintenance programs called for in the Consent Decree as related in our recent discussions with the agencies and the extent to which those efforts have resulted in a significant decline of sanitary sewer overflows ("SSOs").

Letter to Lewis Hays
November 20, 2018
Page 2

The County intends to continue to work cooperatively and collaboratively with EPA and EPD and to use its best efforts to reduce or eliminate SSOs.

Sincerely,


Viviane H. Ernstes
County Attorney

VHE/bee

Encl.

cc: Matthew C. Welch, Deputy County Attorney